



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

TAM:RBK
F.2005v0834

*610 Federal Plaza
Central Islip, New York 11722-4454*

May 2, 2013

VIA ELECTRONIC CASE FILING

Honorable Thomas C. Platt
United States District Judge
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: Town of Oyster Bay v. Northrop Grumman Systems Corp., et al.
No. CV-05-1945 (Platt, J.) (Tomlinson, M.J.)

Dear Judge Platt:

This office represents the United States of America and United States Navy (collectively, "Federal Defendants") in the above-referenced environmental action. Pursuant to the Court's April 22, 2013 order, this letter is written to provide the Court with Federal Defendants' status report. Please note that the parties agreed to independently file their own respective status reports.

As the Court is aware, the Court has dismissed with prejudice all outstanding claims against Federal Defendants. See Docket Entry Nos. 91 (filed March 31, 2009); 94 (filed May 14, 2009); 105 (March 31, 2010); 106 (filed May 21, 2010); and 112 (filed July 31, 2011). On February 1, 2008, Federal Defendants filed a contribution counterclaim against plaintiff Town of Oyster Bay pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") Section 113(f)(1), 42 U.S.C. § 9613(f)(1). Federal Defendants' contribution counterclaim was contingent on a finding that Federal Defendants were liable for response costs in this action. Because Federal Defendants have been dismissed with prejudice from this action, their contingent contribution counterclaim against plaintiff is no longer a viable counterclaim. Accordingly, Federal

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Defendants are no longer required to participate as a party in this action.

Respectfully submitted,

LORETTA E. LYNCH
UNITED STATES ATTORNEY

By: /s/ Robert B. Kambic
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cc: Parties of record (via ECF)